

ClimatePlan

Addressing the land use decisions that shape our climate and our lives

February 2, 2009

Anna Marie Young
Governor's Office of Planning and Research
Submitted via email to: CEQA.GHG@opr.ca.gov

RE: Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions

Dear Ms. Young,

Thank you for the opportunity to submit comments on the proposed CEQA guideline amendments. The undersigned members of ClimatePlan offer our support for the draft amendments to the Appendix G checklist sections on transportation/traffic and agriculture and forest resources, and we offer several suggestions for improvement.

Background

ClimatePlan is a network of leading non-profit organizations focused on promoting land use policies that will help achieve California's AB 32 greenhouse gas (GHG) emission reduction targets. We believe that slowing the growth in Vehicle Miles Traveled (VMT) through improved land use and transportation planning is an essential component of reducing GHG emissions in California.

The recent passage of SB 375 codifies the linkage between land use planning and GHG emissions. Given CEQA's central role in land use decision-making processes, we believe it is critical that the new guidelines reflect and reinforce the goals of SB 375.

The existing CEQA guidelines have had the unfortunate and, we believe, unintended consequence of discouraging walkable, transit-friendly community design. The Level of Service (LOS) metric, with its narrow focus on traffic volume, is not a holistic measure of mobility. Reliance upon this metric has meant that most CEQA analyses do not account for the fact that people who live in transit-oriented developments tend to walk, bike and take transit more, and do not generate as many car trips as those who live in conventional low-density development. As a result, transit-oriented developments are often penalized under the current guidelines. Further, some of the measures imposed to "mitigate" these impacts, such as widening roads and decreasing density, often make the problem worse by spreading out development and making roads more dangerous for bicyclists and pedestrians.

The existing guidelines also suggest that EIRs should examine "parking capacity," a guideline which further penalizes walkable and transit-oriented development. When coupled with outdated zoning ordinances that mandate excessive parking, this guideline can be a significant impediment to climate-friendly development.

Comments on Proposed Amendments

We believe the proposed amendments addressing transportation and forest resources are an important step toward making CEQA more responsive to transit-oriented development. We also have a number of suggestions for further refinement.

3) 15126.4 Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects.

The proposed amendments to mitigation measures should be more explicit in their discussion of measure to reduce VMT. For many development projects, indirect emissions associated with vehicle trip generation are the largest source of emissions. Therefore, measures to address indirect emissions should be an important component of mitigation. We recommend the following changes:

(c) Mitigation Measures Related to Greenhouse Gas Emissions

(1) Lead agencies should consider all feasible means of mitigating greenhouse gas emissions including but not limited to direct and indirect emissions associated with the project's vehicle trip generation and energy consumption, including fossil fuel consumption.

(2) Mitigation measures may include project features, project design, transit improvements, increased density, mix of uses, parking charges, Transportation Demand Management programs, or other physical or programmatic measures ~~which~~ that are incorporated into the project to substantially reduce direct and indirect energy consumption or greenhouse gas emissions. Mitigation measures should prioritize a per capita reduction in emissions.

Specific support for *per capita* emissions reductions is important so that applicants do not merely reduce the project's size or, worse yet, build several smaller projects while ignoring cumulative impacts.

Appendix G II: Agriculture and Forest Resources

We support the proposed inclusion of forest resources in Section II of the Appendix G Checklist. Conversion of forestland to development results in both direct and indirect greenhouse gas emissions by:

- Fostering extremely low-density, rural ranchette development patterns with very high VMT;
- Releasing forest carbon stocks and eliminating the carbon sequestration value of forested lands;
- Increasing the incidence of wildfire, by expanding the wildland urban interface.

The proposed amendments will help ensure CEQA documents analyze these impacts. A missing component, however, is recommendations on how to mitigate those impacts. We suggest that the guidelines should include some direction on appropriate mitigation measures that address the full suite of environmental impacts from converting forestland.

Appendix G XVI: Transportation/Traffic

We support the overall approach of the proposed amendments to Section XVI of the Appendix G Checklist dealing with Transportation/Traffic, and we offer several suggestions for improvement. The amendments correctly identify vehicle miles traveled as the appropriate metrics for assessing

transportation impacts, and eliminate the guidelines related to level of service and parking, both of which are often counterproductive to achieving environmental aims.

The proposed text reads: “Would the project: Result in a substantial increase in the number of vehicle trips, roadway vehicle volume or vehicle miles traveled?”

We believe these amendments will allow EIRs to more accurately reflect the climate change and mobility benefits of transit-oriented development, and spur mitigations that address the problem, instead of making it worse.

However, the phrase “substantial increase” has the potential drawback of penalizing large TOD projects simply because they are large, even if their *per capita* VMT or trip generation is relatively low. Conversely, smaller, auto-dependent projects could be let off the hook simply because they are small, even if their *per capita* VMT is high.

A related problem with the proposed text is that there is no consideration of the regional VMT framework established by SB 375. Under the proposed text, an unlimited number of auto-dependent, high VMT projects that are inconsistent with an adopted regional plan for reducing GHGs could be adopted without mitigation, as long as they are individually not considered “substantial.” Conversely, a large TOD project that is consistent with an adopted plan could be penalized.

To address both these problems, we suggest that the text should be amended to address household or per capita VMT, and to evaluate the project's consistency with adopted regional plans to reduce GHGs. One possible mechanism for doing so is to substitute the “substantial increase” question with the following:

- Would the project result in a projected VMT per household that is the lower of either:
 - 1) 14,000 VMT/year/household, or
 - 2) 70% of the per household average VMT for the local jurisdiction?
- Is the project consistent with a plan adopted by an applicable state or regional agency, county, municipality or air district, or a mayor's or governor's executive order, to reduce Vehicle Miles Traveled or Greenhouse Gas Emissions?

The metric of 14,000 VMT/year/household comes from CARB's interim guidance on thresholds of significance. Recognizing that CARB's work on this topic is not yet finalized, we suggest that the final language for this question be coordinated with that effort. The 70% number is derived from *Growing Cooler* and reflects the 30% reduction from “business as usual” VMT that can be reasonably expected from the adoption of smart growth policies.

This wording has the advantage of allowing lead agencies to single out all projects that put a disproportionate burden on our regional transportation systems and overall GHG emissions, regardless of their size. Also, by examining average trip generation in the surrounding community, we do not create an unfair bias against all rural and suburban sites. Rather, the question asks how the project fares in the surrounding context.

Summary

Thank you for the opportunity to comment on the draft amendments to the CEQA guidelines. The proposed changes represent an important opportunity to ensure that conventional CEQA practices support, rather than undermine, California's commitment to addressing climate change. If you have any questions or would like further information, please contact ClimatePlan Director Autumn Bernstein at 530.544.1092 or autumn@climateplan.org.

Sincerely,

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